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PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/507,018

Filing Date: March 21, 2005

Applicant: Jonas Ove Philip ELIASSON et al.

Group Art Unit: 2629

Examiner: Christopher Leiby

Title: TOUCH PAD, A STYLUS FOR USE WITH THE TOUCH PAD, AND A METHOD OF OPERATING THE TOUCH PAD

Attorney Docket: 12090-000021/US

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STATEMENT UNDER 37 C.F.R. § 1.133(b)

Sir:

A telephonic interview conducted on November 13, 2008 between Examiner Christopher Leiby and Applicants' representative. During the November 13, 2008 telephonic interview, the subject matter of the above identified application was reviewed focusing specifically on the light transmissive means of the touch pad and the specific structural elements of the light transmissive means. U.S. Patent 5,022,568 to Ogawa and U.S. Patent Application Publication 2001/0005004 to Shiratsuki were then reviewed.

It was generally agreed that Ogawa fails to disclose or suggest a light transmissive means as described in the specification of the present application. Having distinguished

Ogawa, the subject matter disclosed by Shiratsuki was further discussed, referring generally to Figs. 5 and 7 of Ogawa.

Applicants representative then pointed out that one of skill in the art would not be motivated to combine the teachings of Shiratsuki with those of Ogawa as such a combination would render the optical position detecting unit of Ogawa inoperable due to differences in the operation of the two devices. For example, it was explained that Ogawa relies upon light transmitted from the pointer 2 transmitted over the surface of a screen 1A to a photo detector 4 to determine a distance between the pointer 2 and the photo detector 4 thereby determining a position of the pointer 2 on the screen 1A.

It was then explained that in contrast to Ogawa, Shiratsuki relies on light being transmitted from a light source 1 through a light guide body or waveguide 2 to be received by an object (finger) on a surface of the light guide body 2. Light reflected off of the finger is received at a spherical mirror 2C and reflected to an absorbing face 2E where a camera 3 detects the reflected light so to determine a position of the finger. It was further explained that because Ogawa requires the light to be passed over a surface of the screen 1A to operate correctly that passing a light through the surface 1A would render the device inoperable.

Although the Examiner agreed that the devices operate differently, the Examiner maintained his position that it would have been obvious to one of ordinary skill in the art to modify the device of Ogawa to operate with a light guide body as disclosed in Shiratsuki. Because the Examiner was unwilling to accept the traversal arguments, structural differences between the subject matter of the specification and the applied references were discussed in an effort to determine if the claims could be amended to distinguish over the applied references by reciting further structure or clarifying the currently claimed structure. The Examiner agreed that there are structural differences between not only Ogawa and the recited

claims, but also the light guide body of Shiratsuki. Therefore, proposed claim amendments were discussed.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application; the Examiner is respectfully requested to contact the undersigned at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By _____

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